

November 29, 2016

*Via Electronic form on EPA Region 1 website*

Regional Freedom of Information Officer  
U.S. EPA New England, Region 1  
JFK Federal Building  
One Congress Street, Suite 1100 (OARM)  
Boston, MA 02114-2023  
[http://www.epa.gov/region01/foia\\_res.html](http://www.epa.gov/region01/foia_res.html)

**Re: Freedom of Information Act Request – Wheelabrator Saugus**

Dear Sir or Madam:

Pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 *et seq.*, Conservation Law Foundation (“CLF”) hereby requests all records pertaining to Wheelabrator Technologies Inc.’s (“Wheelabrator”) municipal solid waste incinerator and ash landfill located in Saugus, Massachusetts (hereafter, collectively, “Wheelabrator Saugus”). This request includes, but is not limited to:

- All permits issued to Wheelabrator Saugus, including, but not limited to, permits issued under the Clean Water Act, the Clean Air Act, and the Resource Conservation and Recovery Act, and all documentation regarding compliance with such permits;
- All other records related to Wheelabrator Saugus’ compliance with, or violation of, state or federal environmental statutes and regulations;
- Records related to inspections at Wheelabrator Saugus by any local, state, and/or federal agencies;
- Records concerning sampling of groundwater or surface water in or around Wheelabrator Saugus; and
- All records concerning wetland mitigation related to Wheelabrator Saugus.

CLF requests disclosure of all requested records including any and all nonexempt portions of records that are otherwise determined to be exempt from review under the FOIA pursuant to 5 U.S.C. § 552(b). *Wightman v. Bureau of Alcohol, Tobacco & Firearms*, 755 F.2d 979, 983 (1st Cir. 1985). CLF looks forward to a response and determination from your office within twenty working days of receipt of this request consistent with 5 U.S.C. § 552(a)(6) and 40 C.F.R. § 2.104. If this request is denied in whole or in part, CLF is entitled to receive, at a minimum, (1) a detailed index/list of the records withheld, including the name of the record, the subject of the record, the author of the record, and the date of the record; and (2) EPA’s basis for withholding the records.

*Church of Scientology Int'l v. U.S. Dep't of Justice*, 30 F.3d 224, 228 (1st Cir. 1994); *Vaughn v. Rosen*, 484 F.2d 820, 823-28 (D.C. Cir. 1973), *cert. denied* 415 U.S. 977 (1974).

Additionally, because CLF works on behalf of the public interest and this FOIA request is made in furtherance of the public interest, CLF requests a waiver of any and all fees associated with the disclosure of records pursuant to this request. FOIA and EPA regulations provide that records will be furnished at reduced or no charge when disclosure “is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii); 40 C.F.R. § 2.107(l).

CLF works to solve the environmental problems that threaten the people, natural resources, and communities of New England. CLF advocates use law, economics, and science to design and implement strategies that conserve natural resources, protect public health, and promote vital communities in our region. Founded in 1966, CLF is a non-profit, member-supported organization. CLF is a leader in addressing important environmental policies affecting New England’s water and air quality, marine ecosystems, wildlife, forests, and communities. CLF has played a critical role in the preservation and enhancement of the waters of Massachusetts and has been a leader in addressing the environmental crisis posed by pollution of the Commonwealth’s rivers, lakes, and shoreline ecosystems.

Consistent with the fee waiver provisions of the FOIA statute and EPA regulations, CLF seeks the information referred to in this request in order to better understand the environmental impacts of Wheelabrator’s municipal solid waste incinerator and ash landfill, on behalf of its members and the public. CLF has no commercial interest whatsoever that will be furthered by this disclosure. 40 C.F.R. § 2.107(l)(2)- (3). Consequently, a fee waiver is appropriate under FOIA and EPA regulations. CLF appreciates that this request potentially may involve a large volume of administrative material and is willing to discuss ways to streamline the response.

Please send the requested documents to:

Heather Murray  
Staff Attorney  
Conservation Law Foundation  
62 Summer Street  
Boston, MA 02110  
P: 617-850-1716  
E: [hmurray@clf.org](mailto:hmurray@clf.org)

Please contact me at 617-850-1716 or [hmurray@clf.org](mailto:hmurray@clf.org) if any further information is necessary. Thank you very much for your consideration and prompt response to this request.

Sincerely,



Heather Murray